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REMARKS

Claims 1, 7, 8 and 15 have been amended in this response. Claims 3, 5, 6 and 11 have been cancelled, without prejudice. Claims 1, 2, 4, 7-10 and 12-19 are now pending in this application. Reconsideration is respectfully requested.

Claims 1-11 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,862,243 to Baker et al. (Baker).

Claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of U.S. Patent No. 6,462,880 to Ohkawa et al. (Ohkawa).

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of U.S. Patent No. 6,158,659 to Dickson et al. (Dickson).

The Examiner has objected to claims 1-19 in regard to the numbering of the claims as being improper. Applicant respectfully submits that this present patent application along with claims 1-19 was submitted via the Electronic Filing System (EFS) of the USPTO. Specifically, this patent application was filed using PASAT the electronic filing software used at the time of filing this application. The PASAT software electronically formats and numbers the claims according to its own protocol. Applicant, accordingly, input the appropriate text that was electronically formatted and transmitted with the use of PASAT. The resultant hard copy of the application was left to the parameters set by PASAT and outside of the Applicant's control. Applicant, therefore, requests withdrawal of this objection.

The Examiner also objected to claim 8 due to a minor informality in regard to use of an antecedent in line 6. Claim 8 has been amended to address the Examiner's comments and now obviates this objection. Withdrawal of this objection is therefore respectfully requested.

"Under 35 U.S.C. § 102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling,

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thus placing the allegedly disclosed matter in the possession of the public.” Akzo N.V. v. United States Int’l Trade Comm’n, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987).

Claims 1-11 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Baker. The Office Action states that Baker discloses each and every feature of claims 1-11 and 15-17. Baker relates to a system for evaluating barcoded mail which includes an imaging device for providing an image signal corresponding to an image of a barcode or an address of a mail piece. In view of the comments in the Office Action, Applicant has amended independent claims 1, 7, 8 and 15 in order to more clearly recite the subject matter and novel features associated with the present invention. Specifically, Applicant has added the features of a “means for generating a sampling error report” and a “certification of the sampling comparisons and error rate” as elements of claims 1, 7, 8 and 15. Baker discusses a barcode defect detection technique that is used to fail a barcode as unreadable or provide a warning about readability, see Col. 4, lines 1-5. The present invention in contrast and advantageously provides a sampling comparison and error rate where the comparison of a sample of barcodes to U.S. Postal standards is made with an associated error rate. Baker identifies barcode defects as failures and warnings. The present invention provides a user with certification of a batch of bulk mail in order to permit mailing in accordance with U.S. Postal guidelines. The certification through sampling and error rate calculation also allows reduction and/or elimination of sampling by the U.S. Postal Service. Baker is absent of any discussion or teaching of a sampling error report and certification as now recited in independent claims 1, 7, 8 and 15. Accordingly, since Baker fails to disclose each every element as now recited in amended claims 1, 7, 8 and 15, Applicant respectfully submits that Baker fails to anticipate the present invention. Withdrawal of this rejection is, therefore, respectfully requested.

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For a claim to be rejected for obviousness under 35 U.S.C. §103(a), the prior art must teach or suggest each element of the claim, and it must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. Denied, 111 S.Ct. 296; and In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Ohkawa. Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Dickson. In regard to claims 12-14, the Office Action states that Baker is silent about an audible alarm, the feature of claims 12-14, and relies upon Ohkawa for teaching a barcode reader with an audible alarm. In regard to claims 18-19, the Office Action states that Baker does not explicitly disclose a strobe light for illuminating the pieces of mail and having a variable frequency strobe as recited in claims 18 and 19. The Office action relies on Dickson for disclosing a laser scanning system that includes a high intensity two color strobe light system.

As set forth above, the obviousness standard, similar to anticipation, requires that each and every element of Applicant's claim be taught or suggested in the prior art. The Examiner relies upon the combination of Baker and Ohkawa to reject claims 12-14 and the combination of Baker and Dickson to reject claims 18 and 19, where each Ohkawa and Dickson are relied upon for the features of dependant claims 12-14, 18 and 19 respectively. The Examiner relies on Baker to teach the elements of the underlying independent claims of the present invention, however as stated above claims 8 and 15 have been amended and Baker fails to teach each element of claims 8 and 15. Specifically, Baker fails to teach a sampling error report and certification as now recited in claims 8 and 15, furthermore Ohkawa and Dickson fail to cure the deficiencies associated with Baker. Accordingly, Applicant respectfully submits that the

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combination of Baker and Ohkawa fails to teach each and every element of claims 12-14; and the combination of Baker and Dickson fails to teach each and every element of claims 18-19. Withdrawal of the rejection is therefore respectfully requested.

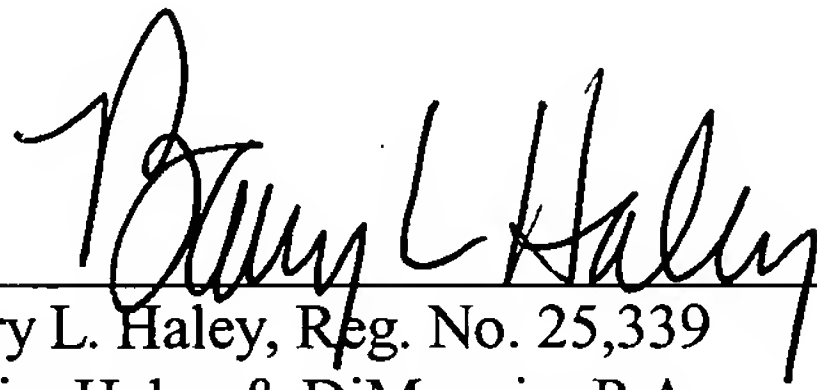
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CONCLUSION

Applicant respectfully submits that all pending claims are now in condition for allowance. Reconsideration is requested in view of the foregoing remarks and prompt notice of allowance is requested.

If there are any additional charges, including Extensions of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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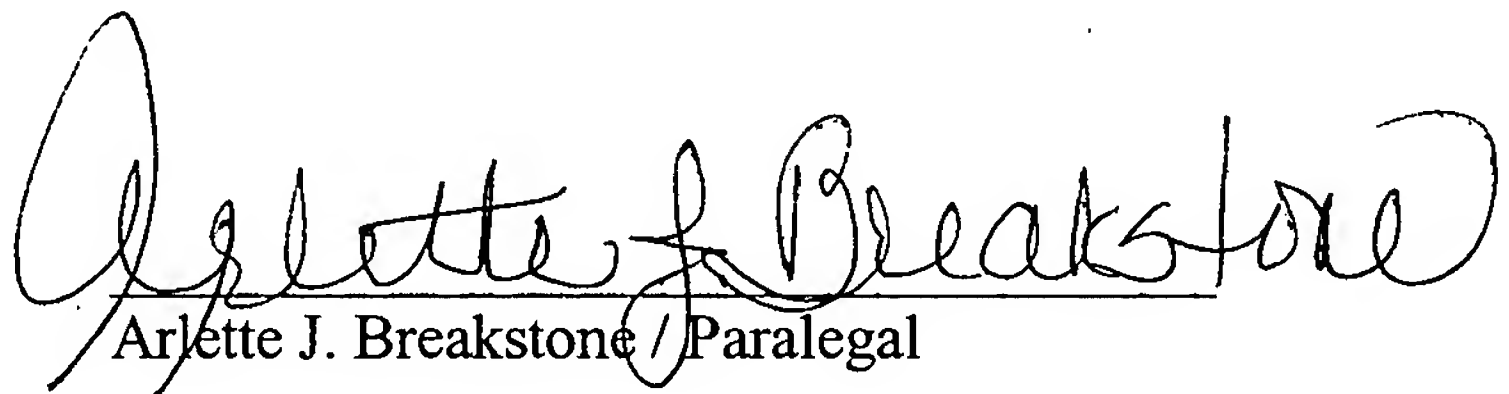
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CERTIFICATE OF EXPRESS MAIL

I HEREBY CERTIFY that the following correspondence: Request for a Three Month Extension of Time; a Check in the Amount of \$510.00 for the required fee; Amendment Transmittal Letter (in Duplicate) Amendment; and a Return Postcard for confirmation of receipt, is being deposited with the United States Postal Service as Express Mail No. EV 465821765 US, addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on this 14th day of December, 2004.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Any additional charges, including extension of time, please bill our Account No. 13-1130.


Arlette J. Breakstone / Paralegal

Date: December 14, 2004

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